REMARKS

This response is intended as a full and complete response to the final Office Action mailed September 26, 2006. In the Office Action, the Examiner notes that claims 1-6, 8-19, 22 and 23 are pending and rejected. By this response, Applicant has traversed the rejection.

However, Applicant notes that the Huston reference, S/N 09/764,495 (filed Jan. 17, 2001), is filed after the present application. Although Huston claims priority to a provisional application, 60/176,666, filed on Jan. 18, 2000 (a copy of which was obtained by Applicant from the USPTO public PAIR system), Applicant believes that certain subject matter in Huston does not have full support in the provisional application. Nonetheless, Applicant submits the following response in order to expedite prosecution, but reserves the right to challenge the propriety of rejection based on Huston to the extent that full support may be lacking in the provisional application.

In view of the following discussion, Applicant submits that none of the claims now pending in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §§102 and 103. Thus, Applicant believes that all of these claims are now in allowable form.

It is to be understood that Applicant does not acquiesce to the Examiner's characterizations of the art of record nor to Applicant's subject matter recited in the pending claims. Further, Applicant is not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant response.

Information Disclosure Statement

An information disclosure statement was filed October 22, 2001 and was received by the Patent Office on January 15, 2002. According to our records, the documents in that statement have not been considered by the Examiner. Applicant respectfully requests that the Examiner consider the listed documents.

35 U.S.C. §102 Rejection of Claims 13-15 and 18-19

The Examiner has rejected claims 13-15 and 18-19 under 35 U.S.C. §102(e) as being anticipated by Sie et al. (US 6,973,662, hereinafter "Sie"). Applicant respectfully traverses the rejection.

Contrary to what was stated in the Office Action, Sie fails to teach each and every element of the claimed invention. For example, Sie fails to teach at least the features of "a server complex, at a cable television system operator location, comprising a plurality of partitions, each of said partitions storing video assets provided by respective content suppliers", as recited in Applicant's claim 13.

Instead, Sie discloses two servers - a subscriber server and a program server (e.g., Fig. 1, subscriber server 128 and program server 132). The subscriber server is used for storing contents to be provided to the transmission system for distribution to the set top boxes, and the programs may be downloaded from satellite dish for later broadcast or provided on removable storage media (e.g., col. 4, lines 11-21). There is no teaching in Sie regarding partitioning of this subscriber server so that each partition is used for storing video assets associated with one content supplier.

The program serve, on the other hand, is used for storing programs associated with an additional content provider (e.g., col. 4, lines 63-64). This server, along with the program request database 136, are part of the system of an additional content provider (e.g., Sie, col. 3, lines 60-63). That is, the program server of Sie belongs to a particular provider of additional content, and not part of a server complex at a cable television system operator location. Furthermore, the program server and program request database are designed to interact with the cable television provider in order to supply additional programs to users, e.g., by providing user specific or program entitlement information to the cable television provider's subscriber management system (e.g., col. 4, line 22 to col. 5, line 4). Since the program server in Sie does not belong to the service provider, there will not be any reason for partitioning it to store assets of other content suppliers. As such, Sie does not teach or suggest at least the features in claim 13 cited above.

Accordingly, independent claim 13 is not anticipated and is patentable over Sie under 35 U.S.C. §102. For at least the same reasons discussed above with respect to

claim 13, claims 14-15 and 18-19 depend, either directly or indirectly, from independent claim 13 also are not anticipated and are patentable over Sie under 35 U.S.C. §102.

Therefore, this rejection should be withdrawn.

35 U.S.C. §103 Rejection of Claims 1-3, 6, 8-10, and 22-23

The Examiner has rejected claims 1-3, 6, 8-10, and 22-23 under 35 U.S.C. §103(a) as being unpatentable over Sie in view of Gordon (5,920,700, hereinafter "Gordon") and further in view of Thomas Huston et al. (US 2002/0007402, hereinafter "Huston"). Applicant respectfully traverses the rejection.

Applicant's independent claim 1 recites, in part: "establishing, by a cable television system operator, a resource lease with each of at least one content provider, each content provider storing at least some of a plurality of video assets within said leased resource at at least one cable television system operator location, said leased resource comprising a memory resource"; and "generating usage statistics; providing said usage statistics to said at least one content provider".

As stated in the Office Action, Sie in view of Gordon does not specifically disclose the features of providing statistics to at least one content provider and resource lease. Huston's paragraphs 0064-0072 are relied on for broadly reading on providing usage statistics to at least one content provider. Applicant notes that certain subject matter in these cited portions may not have support in the provisional 60/176,666.

Applicant submits that there is no motivation to combine Sie and Gordon with Huston, and furthermore, even if combined, Sie in view of Gordon and Huston, would not have rendered Applicant's invention obvious.

Sie and Gordon relate to managing TV programming assets and distribution, while Huston is directed specifically to managing and providing contents over the internet. One embodiment in Huston teaches a content provider entering into an agreement with an access provider to host the content provider's content on traffic server, in which a specified amount of space is guaranteed for the content provider's content and the content provider can be informed about its content request status (e.g., paragraphs 63-66).

However, since hosting of content over the internet is fundamentally different from cable television operation, both from business and operational viewpoints, there is no motivation to combine the teachings of Sie and Gordon with that of Huston. Even though resource leasing is generally applicable to many businesses, it does not necessarily mean that it would have been obvious to adapt it to any operation without considering the specific circumstances.

Specifically, there is no suggestion in Sie or Gordon regarding any need or desirability for leasing a service provider's resource to the content provider, and for providing content statistics to the content provider. As previously discussed, Sie teaches two different servers for storing contents - a subscriber server managed by the service provider for storing contents for broadcast distribution to subscribers, and another one (program server) belonging to a provider of additional content (e.g., col. 3, line 56 - col. 5, line 18). Programs for additional content can be loaded from the program server to the subscriber server and transmitted to users according to membership or entitlement (col. 4, line 63-col. 5, line 4). In Sie, memory resources are separately managed by the content and service providers, and interactions between the program server with the cable television provider are sufficient to ensure the provisioning of additional programs to users.

Gordon teaches an intelligent asset management system that includes scheduling, resource, configuration and reporting managers. System activity and user input and demands are provided for use by the system operators (e.g., Abstract). There is simply no suggestion in Gordon of any need for leasing a service provider's resource for use by a content provider.

Given the vastly different operations between TV programming and internet hosting, and absent any suggestions in Sie or Gordon of a need for alternative resource management, or suggestion in Huston regarding the adaptability of internet content management to TV programming, the provision of leased resource to a content provider for cable television is only obtainable through hindsight based on Applicant's disclosure.

Finally, Applicant submits that Huston does not teach or suggest providing usage statistics to the content provider. Instead, Huston teaches that content provider can be informed about the status of content as to "which caches and content have been updated

and which have not" (e.g., paragraph 65-66) based on two queues, one for storing requests to delete and retrieve content, and the other for storing requests that cannot be processed. Such information relates only the status of the content, but not usage statistics.

In connection with billing issues, Huston teaches that the amount of content provided to client, amount of storage reserved for a content provider or duration of storage, etc., may be used as billing criteria (e.g., paragraphs 71-72). Furthermore, information from the distributed log entry aggregation techniques may also be used by access providers to bill content providers. However, there is no indication in Huston that such information, to the extent that they include usage statistics, is ever provided to the content provider as part of the billing process.

As such, Applicant submits that, even if combined, Sie in view of Gordon and Huston, does not render obvious Applicant's claim 1. Therefore, independent claim 1 is patentable over the combination of Sie, Gordon and Huston under §103.

Independent claim 8 recites relevant limitations similar to those recited in independent claim 1. As such, for at least the reasons discussed above, independent claim 8 also is not obvious and is patentable over the combination of Sie, Gordon and Huston under 35 U.S.C. §103.

Furthermore, claims 2-3, 6, 9-10 and 22-23 depend, either directly or indirectly, from independent claims 1 and 8 and recite additional features. Since Sie in view of Gordon and Huston do not render obvious Applicant's invention as recited in claims 1 and 8, dependent claims 2-3, 6, 9-10 and 22-23 are also not obvious and are patentable over Sie in view of Gordon and Huston under 35 U.S.C. §103.

As such, the Applicant respectfully requests the rejection be withdrawn.

35 U.S.C. §103 Rejection of Claims 4-5 and 11-12

The Examiner has rejected claims 4-5 and 11-12 under 35 U.S.C. §103(a) as being unpatentable over Sie in view of Gordon and Huston as applied to claim 1 or claim 8 above, and further in view of Carlin et al. (U.S. 6,119,152, hereinafter "Carlin"). Applicant respectfully traverses the rejection.

Claims 4-5 and 11-12 depend directly or indirectly from independent claims 1 and 8. Moreover, for at least the reasons discussed above, Sie in view of Gordon and Huston do not render obvious Applicant's invention as recited in claims 1 and 8. Accordingly, any attempted combination of the Sie, Gordon and Huston references with any other additional references in a rejection against the dependent claims would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicant submits that dependent claims 4-5 and 11-12 are not obvious and are patentable over Sie in view of Gordon and Huston and further in view of Carlin under 35 U.S.C. §103.

Therefore, Applicant respectfully requests that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claim 16

The Examiner has rejected claim 16 under 35 U.S.C. §103(a) as being unpatentable over Sie as applied to claim 13, and further in view of Huston. Applicant respectfully traverses the rejection.

Claim 16 depends directly from independent claim 13. Moreover, for at least the reasons discussed above, the Sie reference fails to teach or suggest Applicant's claimed invention as a whole as recited in independent claim 13. Accordingly, any attempted combination of the Sie reference with any other additional references in a rejection against the dependent claims would still result in a gap in the combined teachings in regard to the independent claims. As such, Applicant submits that dependent claim 16 is not obvious and is patentable over Sie as applied to claim 13, and further in view of Huston under 35 U.S.C. §103.

Therefore, Applicant respectfully requests that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claim 17

The Examiner has rejected claim 17 under 35 U.S.C. §103(a) as being unpatentable over Sie as applied to claim 13, and further in view of Martin et al. (US 6,606,607, hereinafter "Martin"). Applicant respectfully traverses the rejection.

Claim 17 depends directly from independent claim 13. Moreover, for at least the reasons discussed above, the Sie reference do not render obvious Applicant's claimed invention as a whole as recited in independent claim 13. Accordingly, any attempted combination of the Sie reference with any other additional references in a rejection against the dependent claims would still result in a gap in the combined teachings in regard to the independent claims. As such, Applicant submits that dependent claim 17 is patentable over Sie as applied to claim 13, and further in view of Martin under 35 U.S.C. §103.

Therefore, Applicant respectfully requests that the Examiner's rejection be withdrawn.

SECONDARY REFERENCES

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to Applicant's disclosure than the primary references cited in the Office Action. Therefore, Applicant believes that a detailed discussion of the secondary references is not necessary for a full and complete response to this Office Action.

CONCLUSION

In view of the foregoing remarks, Applicant believes that this application is in condition for allowance. Reconsideration of this application and allowance are respectfully solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

11/20/06
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